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February 20, 2025

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The Honorable Jesse M. Furman
United States District Court for the
Southern District of New York
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: Joint Letter-Motion for Extension of Time and Adjournment of Initial Pretrial Conference – *Peary v. DC Comics, Inc., et al.*, Case No. 1:25-cv-00910-JMF

Dear Judge Furman:

Plaintiff Mark Warren Peary and Defendants DC Comics Inc.; DC Comics; DC Entertainment; and Warner Bros. Discovery, Inc. (collectively, “DC,” and together with Peary, the “Parties”) jointly move for an extension of deadlines and an adjournment of the initial pretrial conference, pursuant to Federal Rule of Civil Procedure 6(b)(1)(A), Local Civil Rule 7.1(e), and Paragraphs 2(D) and 4(A) of Your Honor’s Individual Rules and Practices in Civil Cases.

Background

Peary filed his Complaint against DC on January 31, 2025, and served DC Comics Inc.; DC Comics; and Warner Bros. Discovery, Inc. on February 6, 2025 (Dkt. Nos. 11-12) and DC Entertainment on February 11, 2025 (Dkt. No. 13). Therefore, the deadlines are February 27, 2025, for DC Comics Inc.; DC Comics; and Warner Bros. Discovery, Inc.; and March 4, 2025, for DC Entertainment to respond to the Complaint. *See* Fed. R. Civ. P. 12(a)(1)(A)(i), (b).

In response to DC’s request to extend its time to respond to the Complaint, Peary and DC have agreed to consolidate DC’s response deadlines and extend them and related deadlines for the convenience of the Parties and their counsel. No previous requests for adjournments or extensions of time have been made by any of the Parties.

The Parties’ first scheduled appearance before the Court is April 29, 2025, at 9:00 a.m. for the initial pretrial conference (Dkt. No. 8). In advance of that conference, the parties must file a joint letter and proposed Civil Case Management Plan and Scheduling Order with the Court by April 24, 2025 (*id.*). The Parties request an adjournment of the conference and extension of the pre-conference filing deadline to allow for responses to the Complaint and/or any counterclaims to be filed. The Parties respectfully request that the initial pretrial conference be adjourned to a date thereafter convenient for the Court. To that end, the Parties also request

that the deadline to file a joint letter and proposed Civil Case Management Plan and Scheduling Order be the Thursday of the week prior to the initial pretrial conference.

The Parties Seek Brief Extensions and an Adjournment of the Initial Pretrial Conference.

The Parties respectfully request a brief extension of all deadlines and an adjournment of the initial pretrial conference. Specifically, the parties propose the following schedule:

- March 24, 2025: DC's deadline to respond to the Complaint;
- April 25, 2025: Peary's deadline to oppose any Rule 12(b) motion filed by DC or to respond to DC's answers and counterclaims, if DC does not file a Rule 12(b) motion; and
- May 9, 2025: DC's deadline to file a reply in support of any Rule 12(b) motion.

Respectfully submitted,

Dated: February 20, 2025

O'MELVENY & MYERS LLP

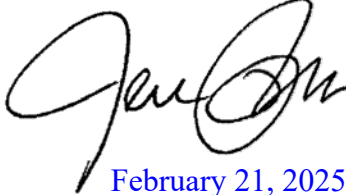
By: /s/ Danielle Feuer

Application GRANTED. The Court adopts the parties' proposed schedule. The initial pretrial conference scheduled for April 29, 2025 is hereby RESCHEDULED for **May 13, 2025 at 9:00 a.m.** The parties should submit their joint letter and Civil Case Management Plan and Scheduling Order **no later than the Thursday before the initial pretrial conference.** The Clerk of Court is directed to terminate ECF No. 17.

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SO ORDERED



February 21, 2025

Attorneys for Defendants

Dated: February 20, 2025

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